

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RICKY MITCHELL,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 4:06-CV-1189 DDN
	)	
MICHAEL BOWERSOX,	)	
	)	
Respondent.	)	

**MEMORANDUM**

This matter is before the court on the motion of petitioner Ricky Mitchell for release on bail pending disposition of his habeas corpus petition.

The district court has the inherent authority to release a state prisoner on bail while a habeas corpus petition is pending. Martin v. Solem, 801 F.2d 324, 329 (8th Cir. 1986). Release on bail pending disposition of the habeas petition requires petitioner to show a substantial federal constitutional claim that presents a clear case on the law as well as the facts. Bliss v. Lockhart, 891 F.2d 1335, 1338 (8th Cir. 1989). The petitioner also must make some showing of circumstances that make his request "exceptional" and "deserving of special treatment in the interest of justice." Martin, 801 F.2d at 329 (quoting Aronson v. May, 85 S. Ct. 3, 5 (1964)). Petitioners are rarely released on bail. Id.

Here, petitioner has not made a showing that a substantial question of federal law is at issue. His habeas petition alleges a violation of Missouri law. There are no exceptional circumstances here that warrant the special treatment of release on bail pending disposition of his habeas petition.

An order is issued herewith.

  
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DAVID D. NOCE  
UNITED STATES MAGISTRATE JUDGE

Signed on October 3, 2006.